

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
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**VIA Electronic Mail Only**

October 13, 2021

Waleed Nassar (waleed.nassar@lbkmlaw.com)  
 Lewis Baach Kaufmann Middlemiss PLLC  
 1101 New York Avenue, NW, Ste 1000  
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Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Waleed,

Newly disclosed evidence from a recently published insider account of the history of al Qaeda, titled *Fragments of Al Qaeda's History*, indicates that the International Islamic Relief Organization's responses to plaintiffs' document requests are incomplete and/or inaccurate in material respects, and require supplementation. Consistent with IIRO's continuing discovery obligations pursuant to Rule 26, plaintiffs request that the IIRO immediately supplement its responses and production to cure all deficiencies related to the issues described below. While we are available to meet and confer on the matter, we anticipate bringing the issue to the Court's attention in the interim.

The insider account at issue was authored by Ibrahim al Qudsi *a/k/a* Sheikh Habib al Sudani, and published in 2021 (after the U.S. withdrawal from Afghanistan). A copy of the 487-page account/book is attached hereto. Al Sudani is a senior al Qaeda figure and close associate of Osama bin Laden, who was detained at Guantanamo Bay from late 2001 until 2012, when he was repatriated to Sudan pursuant to a plea agreement. Al Sudani thereafter traveled to Yemen, where he resumed a leadership role with al Qaeda in the Arabian Peninsula.

In his account, based on his personal involvement with al Qaeda and direct dealings with bin Laden and other al Qaeda leadership, al Sudani reveals that Yusuf Hamdan was a member of bin Laden's inner circle, and of bin Laden's traveling entourage in the days immediately leading up to the September 11<sup>th</sup> attacks. Al Sudani recounts that Ramzi Binalshib and Khalid Sheikh Mohammed traveled to Farooq Camp days before the attacks, to notify bin Laden that September 11 had been formally set for the terrorist operation. Bin Laden decided to make a rapid departure to Kandahar and then Kabul, in preparation for the imminent attacks. Al Sudani confirms that the small entourage that traveled with bin Laden in preparation for the attacks included Sheikh Ayman Zawahiri, Sheikh Abu Hafas Al Kumdan (Abu Walid Al Masri), Sheikh Suleiman Abu Ghith, and Sheikh Yusuf

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Hamdan. Elsewhere, al Sudani confirms that Hamdan had served as the Director of the IIRO office in Pakistan and was active in the service of jihad and the mujahedin.

Fragmentary documentation received from the IIRO in discovery confirms that Hamdan was the Director of the IIRO office in Pakistan, responsible for IIRO operations in Pakistan and Afghanistan, until at least 1994, when he returned to Saudi Arabia and assumed a role with IIRO in Saudi Arabia (*see, e.g.*, IIRO 236, IIRO 1589, IIRO 1612, IIRO 1613-14, IIRO 97761, and IIRO 347754). Separate research conducted by plaintiffs in the last few days based on the disclosures about Hamdan in al Sudani's insider account indicate that Hamdan was arrested and detained on multiple occasions as a result of his role in supporting and with al Qaeda, likely to include arrests that occurred while Hamdan was actively employed with the IIRO. Hamdan died while in the custody of Saudi authorities in 2013, and jihadist posts following his death praised him for his work in jihad and relief.

Plaintiffs' document demands included several requests that required IIRO to disclose fulsome documents relating to Hamdan and his role and activities with IIRO. For example, Plaintiffs' April 21, 2006 Request No. 4 demanded IIRO to produce "all documents relating to any IIRO employee, representative, agent, or volunteer who has been arrested, detained, or incarcerated in connection with the global war on terrorism, including without limitation, any and all employment records for such individuals." IIRO's 2006 Response to that Request asserted that "No documents will be provided because none exist." The evidence discussed above indicates that that response is not accurate.

Plaintiffs' December 13, 2005 Requests Numbers 75, 77, 80, 81 and 82 separately demanded documents relating to any "criminal" or "corrupt" activities by "IIRO or any employee or person associated with the IIRO," which also should have resulted in production of fulsome documents about Hamdan and his role and activities with IIRO.

Based on our review of IIRO's productions, IIRO has not responded to these discovery requests in any manner that addresses Hamdan. Based on the newly disclosed evidence concerning Hamdan, we assess that IIRO knew or should have identified that connection between Hamdan, one of its directors, and al Qaeda, as well as the fact that Hamdan had been arrested and incarcerated in Saudi Arabia. In any case, given that the newly discovered evidence makes clear those connections, IIRO is under an obligation to update its responses. Accordingly, we are asking that IIRO promptly update its discovery responses and production to address this omission. In the interim, Plaintiffs are available to meet and confer and reserve all rights to seek remedies for the discovery failure.

Regards,

COZEN O'CONNOR

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